

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ROBERTO SANTIAGO,

Defendant.

No. 10-cr-555 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of the attached letter from Defendant, dated April 30, 2020 but received in Chambers on May 18, 2020. IT IS HEREBY ORDERED THAT the government shall respond to Defendant's letter no later than May 22, 2020.

SO ORDERED.

Dated: May 18, 2020
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation

Mr. Roberto I. Santiago
Reg, No: 67713-054
FCI-Fort Dix
P.O. Box 2000
Joint Base MDL, NJ 08640

Date: April 30, 2020:

United States District Court
for the Southern District of New York

Honorable Richard J. Sullivan
500 Pearl Street, New York

NY 10007

RECEIVED

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CLERK'S OFFICE
U.S. COURT OF APPEALS

Re: United States of America v. Roberto I. Santiago:

Criminal Case No: 10-cr-555-RJS

Dear Judge.

I am the above defendant in the above criminal matter, and this letter of mine's is solely of the concern(s), of thee attached submitted Petition for Compassionate release in light of the Cares Act section (b)(2), of the COVID 19 virus, pursuant to [18 U.S.C. § 3582(c)(1)(A)], this letter should serve as a legal form of my intention to preserve my substantial rights herein, to furniture my medical records in support of my petition.

However, I preserves the above mentions of rights due to FCI-Fort Dix's Adminstration Staff's delay in the releasing of my medical records at present and wish to be premitted by this Tribunal to furniture it with such document at a later date upon my receiving of the medical documents of sufficiency substances to my claim in the attached motion.

Thank you in adavnce of your decision.....

Respectfully Submitted.

Roberto Santiago

Roberto I. Santiago

IN THE
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America

Respondent.

vs.

Roberto I. Santiago,

Defendant.

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Crim. No. 10-cr-555-RJS

PETITION FOR COMPASSIONATE RELEASE
IN THE PURSUANT OF 18 U.S.C. § 3582(c)(1)(A)

NOW COMES, Defendant Roberto I. Santiago, in his proper person, moves in this Tribunal by way of his Petition for Compassionate Release in pursuant of 18 U.S.C. § 3582(c)(2)(B), as to the following reasons :

INTRODUCTION

I.

Defendant Roberto I. Santiago, appeared in this Tribunal on April 13, 2013, whereas, he plea guilty to charging instrument's count one violation of the Title 21 U.S.C. § 841(a), and 846, " conspiracy to possess with intent to distribute, distribute of controlled substance (heroin), and on February 6, 2014, this Tribunal sentenced Defendant Santiago to a 144 months imprisonment term, that sentenced was then reduced as a result of the Non-violent Drug Amendment 782, two points deduction this Tribunal determined that an additional 9 months deduction was warranted the recalculation of sentence a 135 months term.

STATEMENT OF FACTS

II.

Defendant Roberto I. Santiago, is a federal prison that is at high risk of obtaining the COVID 19 virus, because of his health conditions, and because of the poor prison conditions he is exposed to his imprisonment serves in the mannerism of harsh and cruel punishment inconsistent to constitutional laws.

STATEMENT OF CASE

III.

The Federal Government have declared an national emergency after the public notice of affects of the COVID 19 virus (conora virus¹⁾) and its affect on person(s) medical health issues. Defendant Santiago, is being housed at the Federal Correctional Institution Fort Dix, in the state of New Jersey, the state of New Jersey have one of the highest rate of affection from the COVID 19 virus, the facility Fort Dix have 69 inmates affected and carrying the conora virus, and at less 10 prison staff members have been placed on medical leave due to being affected with conora virus.

Defendant Santiago, suffers with medical health conditions such as the following : 1). Asthmu, 2) Heart complications , and had a heart monitoring device placed inside of his chest after an operation was conducted an the fact that without the recording device that had been placed inside his chest read where the complication was occurring he could had died. He is 41 years old. The Fort Dix facility is dirty, he is in a room the size of 23 feets by 19 feets, that he share in the capacity of 10 inmates at one time. He nor does any other imate in the room have the requirements under the Nation Health warning that no more then 10 persons at any given times should be in the same area, unless they equally have 6 feets distanced between them the rooms in this facility an open door policy, which allow access to all inmates any given time. This is due to Prison officials lack of caring, the

manners in how he is forced to be able to eat, are subject to exposure of COVID 19 virus because no inmate are being actually tested, or the medical staff are unwilling, untrained, or unprepared to test each inmate at the facility... For over four months, inmates that reported to the medical department complaint, of dry coughing, breathing problems, chest pains, or other flu like issues. They all was told by medical PAs, and Doctors that they was ear infections, and then send back to the Housing Unit which is where Mr. Santiago is housed.

RELIEF SOUGHT

III.

Defendant Roberto I. Santiago, seeks relief in the manner of Home Confinement, with his family :

REASONS TO GRANT RELIEF

(1).

Defendant Santiago, have served over 50% of his 135 months sentence term of imprisonment, he haven't received an disciplinary sanction in over three years, and as stated above Mr. Santiago suffer with " Heart complications," and " Asthma conditions," he is presently in the Residual Drug Abuse Program, he is the (RDAP's) in house component phase I... He had attended and completed other self groups (see attached progress report sheet). Pepper v. United States,

In Pepper, the Supreme Court held that the Title 18 U.S.C. §§ 3553(a) and 3661, authorized Sentencing Courts such as this Tribunal have justification reasonability is granting sentencing reductions within the means § 3553(a)(2), and that § 3661 allows Sentencing Courts such as this Tribunal to look to post-sentencing characteristics of defendants such as Mr. Santiago. Mr. Santiago is now 41 years of age, at the time of the predicate offense he was 34 years old, while to most 7 years of a person life behind prison-walls would make a sane

person come to reality and respect himself and the laws, especially with deteriorating health conditions. (See, attached Medical Records).

IV.

ARGUMENT

In 2014, when this Tribunal imposed its sentencing terms on Mr. Santiago, it is clear to see that Tribunal did not intended its sentence to serve as a death sentencing.... However, that is actually what this Tribunal's sentence have become for Mr. Santiago, even though this Tribunal is the blame for the deadly virus COVID 19, that does not know that Mr.Santiago doesn't have a death sentencing.

The fact that FBOP have failed to protect Mr. Santiago, they limited him to less then adequate medical care or treatment, and in fact Fort Dix have failed to protect its own staff members. Mr.Santiago, is required to expose himself conora virus when he have to stand in line with 200 other inmates and are order by prison staff to remean less then 6 inches apart from one another, he is placed in harm of high risk when go to bed or set in any part of the Housing Unit 5852, or when he use the bathroom, or shower. He does not receive effective medical testing for COVID 19 virus. The Fort Dix facility have 69 cases of conora virus inmates directly accross from the housing unit where Mr.Santiago, those infected inmates are permitted to hollar , spit and throw items out the windows when inmates from Housing unit 5852, when they are allowed to go to the facility commissary. Prior to this present time and about 3 1/2 weeks Mr. Santiago and 199 other inmates was made to set in close quarters to eat, we was not provided masks, until about 3 weeks ago after 7 inmates tested positive for the COVID 19 verse, by that

time three Prison staff members, that have been found to be infected with the corona virus, and one of those staff member is indeed a DTS here in the RDAP program. And before she was active in the program daily activity in closeness and she was very active with the other four or five DTS (Drug Train Specialist) and the two DAPC (Drug Abuse Program Coordinator) herein, Building 5852, where Mr. Santiago has been housed for the pass (7) months.

Nevertheless, the prison general population has been on quarantine for the pass two and half months which led to the above experiences in the inmates dinning room.

Mr. Santiago, has filed with the "Warden David E. Ortiz," for the placement of Compassionate Release in pursuant of the Executive CARES Act of 2020, as to the COVID 19 virus... Only to be ignored, the staff member a Ms. Alexander, has interferred or simple refused to provide him and other inmates under her caseload access to the appropriate information or form(s), her official duties as RDAP PM community inmates case manager. She have refused to provided inmates such Mr. Santiago access to Administrative Remedies. The Unit team counselor up and lefted, their is no Supervisor over the Unit Team reachable, and the Assistant Wardens, has failed to comply to inmates emails, when the Assistant Warden, over program is seeing she brushes inmates off and tell them to write her. But fails or refuse comply or to address our greivances against or about staff misconducts.

V.

RELEASE PLAN FOR HOME

Mr. Roberto I. Santiago, should this Tribunal grant his motion for compassionate release on home confinement, Mr. Santiago, intends to do 14 days quarantine at home, he then intends to visit his Doctor to determine the seriousness of his medical condition, should he be permitted to work he intends to have

or attain employment within, two weeks of his medical clearance. Mr. Roberto I. Santiago, have a strong family support system, he would be living with mother until he is able and permitted move out on his own... But until then he would at 1320 Gates avenue, Apartment No. 3B, with Mrs. Dora Santiago, who is his mother, in Brooklyn, New York 11221. Should this Tribunal or any designed party by this Court wish to verify the above please feel free to contact Mrs. Santiago at (347) 849-1830, or [718] 455-3218.

CONCLUSION

THEREFORE, by the above mentioned and asserted facts as well as medical conditions held in the attached medical records submitted in this motion, it Mr. Santiago, belief that he is entitled to the Home Confinement relief and/or full Compassionate Release in pursuant of the Executive's CARES ACT of 2020 in the matter of COVID 19 virus high risk factor, and as a prevention of the continueness to cruel and unusal punishment in violation of his Fourteenth and Eighth Amendments fundamental rights as guaranteed and secured in our Constitution for the United States.

Dated: April 30, 2020:

Respectfully Submitted.

Roberto Santiago

Roberto I. Santiago
Reg. No. 67713-054

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this day of the month of April 30, 2020; by copy of the foregoing Defendant Roberto I. Santiago's Petition for Compassionate Release in pursuant of 18 U.S.C. § 3582(c)(1)(A), in of CARES Act of 2020, COVID 19 virus, was mailed prepaid to the following :

U.S. District Court's clerk office:

Respectfully Submitted.

Roberto Santiago

Roberto I. Santiago
Reg. No. 67713-054
FCI-Fort Dix
P.O. Box # 2000
Joint Base MDL, NJ 08640

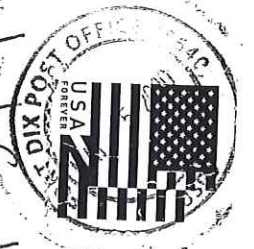
cc: file

Roberto Santiago
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USMP3
SDNY

United States District Court

Richard J. Sullivan
District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007



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